

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ENRIQUE ZACARIAS DIAZ,

Plaintiff,

v.

J. CUNHA, V. ALVARADO<sup>1</sup>, D. MCGREGOR,  
J. CIMMIYOTI, J. BATEMAN, A. GONZALEZ,  
and OREGON DEPARTMENT OF  
CORRECTIONS,

Defendants.

Case No.: 2:22-cv-01125-YY

ORDER

**Adrienne Nelson, District Judge**

United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on June 10, 2024. Judge You recommended that this Court grant defendants' Motion for Summary Judgement, ECF [29], and dismiss this case without prejudice. No party has filed objections.

A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge You's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS

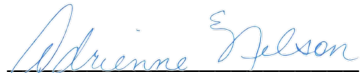
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<sup>1</sup> The Court notes that this name on the docket is spelled incorrectly and applies the correct spelling. *See* Def. Answer, ECF [22], at 1.

Judge You's Findings and Recommendation, ECF [39]. Accordingly, defendants' Motion for Summary Judgment, ECF [29], is GRANTED, and this case is DISMISSED without prejudice. The Court directs the Clerk of the Court to correct the docket's spelling of "V. Alcarado" to "V. Alvarado."

IT IS SO ORDERED.

DATED this 15th day of August, 2024.



Adrienne Nelson  
United States District Judge